

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
NEWNAN DIVISION

IN RE:) CHAPTER 13
)
Mark Arsenio Mingo) CASE NO. 17-12526-WHD
)
)
DEBTOR.)

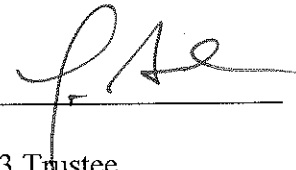
**CHAPTER 13 TRUSTEE'S
OBJECTION TO CONFIRMATION & MOTION TO DISMISS**

COMES NOW Melissa J. Davey, Chapter 13 Trustee, and objects to confirmation of the plan and files this motion to dismiss under 11 U.S.C. Section 1307(c), for cause, including the following reasons:

1. The plan as proposed will extend beyond sixty (60) months, contrary to 11 U.S.C. Section 1322(d).
2. The Debtor has failed to pay the Chapter 13 Plan payments to the Trustee as required by 11 U.S.C. Section 1326.
3. In accordance with General Order Nos. 18-2015 and/or 22-2017 and the Statement of Rights and Responsibilities, the Debtor's attorney should timely provide proof of Debtor's \$1,300.00 per month girlfriend disability income to the Chapter 13 Trustee. 11 U.S.C. Sections 521(a)(1), 1325(a)(3), 1325(a)(6), 1325(b)(1)(B) and Bankruptcy Rule 1007.
4. Pursuant to the Debtor's testimony at the meeting of creditors, the Debtor has been domiciled in Georgia for less than 730 days immediately preceding the filing of this case. Pursuant to the Debtor's testimony at the meeting of creditors, the exemptions should be claimed under either Federal or Illinois law. The state statute exemptions utilized by the Debtor are in violation of 11 U.S.C. Section 522(b)(3).
5. The Chapter 13 Plan fails to provide for the assumption and funding or rejection of executory contract owed to Home Property Management (residential lease) in violation of 11 U.S.C. Section 365(b)(1)(C).

Melissa J. Davey, Chapter 13 Trustee
Suite 200 – 260 Peachtree Street, N.W.
Atlanta, Georgia 30303
(678) 510-1444

WHEREFORE, Trustee moves this Honorable Court to inquire into the above objections at the separately scheduled and noticed confirmation hearing, deny confirmation of the Chapter 13 plan, dismiss the case, and for such other and further relief that this Court deems just and proper.


/s/ Jonathan S. Adams
Jonathan S. Adams
Attorney for Chapter 13 Trustee
GA Bar No. 979073

Melissa J. Davey, Chapter 13 Trustee
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CERTIFICATE OF SERVICE

This is to certify that I have this day served:


DEBTOR(S):
MARK ARSENIO MINGO
501 BOULEVARD
LAGRANGE, GA 30240

DEBTOR(S) ATTORNEY:
James G. Baker, P.C.
305 North Greenwood Street
LAGRANGE, GA 30240

in the foregoing matter with a copy of this Objection to Confirmation & Motion to Dismiss by depositing in the United States Mail a copy of same in a properly addressed envelope with adequate postage thereon.

Wednesday, January 31, 2018

/s/



Jonathan S. Adams
GA Bar No. 979073
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